

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LUFKIN, TEXAS HELD ON THE 4TH DAY OF FEBRUARY, 2020

On the 4th day of February, 2020 the City Council of the City of Lufkin, Texas convened in a Regular Meeting in the Council Chambers of City Hall with the following members, thereof to wit:

Bob F. Brown	Mayor
Mark Hicks	Mayor Pro Tem
Guessippina Bonner	Councilmember, Ward No. 1
Robert Shankle	Councilmember, Ward No. 2
Lynn Torres	Councilmember, Ward No. 3
Rocky Thigpen	Councilmember, Ward No. 5
Sarah Murray	Councilmember, Ward No. 6
Bruce Green	Deputy City Manager/City Attorney
Kara Andrepont	City Secretary
Rodney Ivy	Human Resource Director
Gerald Williamson	Public Safety Director
David Thomas	Police Chief
Jesse Moody	Fire Chief
Ryan Watson	Asst. Fire Chief
Belinda Melancon	Finance Director
Kevin Gee	Engineering Services Director
Albert Duffield	Water and Sewer Director
Jarod Murphy	Asst. Director Water & Sewer
Kent Havard	Solid Waste Director
April Early	Municipal Court Judge

being present; and

Keith Wright	City Manager
Jason Arnold	Assistant to the City Manager

being absent when the following business was transacted.

INVOCATION - The meeting was opened with prayer by Reverend Jack Knox, First Christian Church.

PUBLIC COMMENT – Mayor Brown opened the meeting for Public Comment on any posted agenda item at 5:01 p.m. There being no one who wished to speak, Mayor Brown closed the Public Comment portion of the meeting.

1. MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JANUARY 21, 2020 – APPROVED

Councilmember Lynn Torres moved to approve the minutes of the meetings as presented. Councilmember Sarah Murray seconded the motion and a unanimous vote to approve was recorded.

2. PUBLIC HEARING AND FIRST READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LUFKIN, TEXAS BY GRANTING A SPECIAL USE PERMIT FOR AUTOMOTIVE SALES AND CHANGING THE ZONING TO “LOCAL BUSINESS” ON PROPERTY ADDRESSED AS 901 PERSHING AVENUE - APPROVED

Deputy City Manager Green stated that the applicant, “We Fix Em” on behalf of P&J Properties, had requested a zone change with a special use permit for automotive sales on property addressed as 901 Pershing Avenue. Deputy City Manager Green furthered that the use of the property had existed as a service station for numerous years however, it had been a variety of uses since that time including a gas station, transmission business and auto repair. Deputy City Manager Green highlighted the location of the property on the corresponding maps along with the site plan that was required. Deputy City Manager Green stated that the site layout allowed for better control

of onsite traffic and the Special Use Permit would limit the number of vehicles allowed for sale. Deputy City Manager Green also showed the location of the physical barriers on the corresponding maps to prevent vehicles encroaching on the right of way. Deputy City Manager Green stated that Staff had reviewed the site plan for auto sales and believed there was not an adverse impact to the surrounding area. Deputy City Manager Green furthered that the zone change to "Local Business" and the associated Special Use Permit for auto sales was unanimously recommended for approval by the Planning and Zoning Commission.

Deputy City Manager Green concluded that Staff recommended City Council conduct a Public Hearing and consider on First Reading an Ordinance changing the zoning to "Local Business" and granting a Special Use Permit for automotive sales on property addressed as 901 Pershing Avenue.

Mayor Brown opened the Public Hearing at 5:05 p.m. There being no one who wished to speak, Mayor Brown closed the Public Hearing and moved to comments from the City Council. There were none.

Councilmember Mark Hicks moved to approve the Ordinance as presented. Councilmember Sarah Murray seconded the motion and a unanimous vote to approve was recorded.

3. **RESOLUTION OF THE CITY OF LUFKIN, TEXAS PROVIDING FOR THE CALLING AND ORDERING OF A GENERAL ELECTION TO BE HELD MAY 2, 2020 FOR THE PURPOSE OF ELECTING A COUNCILMEMBER FOR WARD NO. 5 AND WARD NO. 6 – APPROVED**

Deputy City Manager Green stated that the City of Lufkin would conduct a General Election on May 2, 2020 for the purpose of electing a Councilmember for Ward No. 5 and Ward No. 6. Deputy City Manager Green furthered that the Resolution established dates and the location for early voting in person and by mail; Election Day polling place locations, delineates the City Secretary as the early voting clerk and allows for the posting of the notice of election.

Deputy City Manager Green concluded that Staff recommended City Council approve a Resolution for the calling and ordering of a General Election to be held May 2, 2020 for the purpose of electing a Councilmember for Ward No. 5 and Ward No. 6.

Councilmember Robert Shankle moved to approve the Resolution as presented. Councilmember Lynn Torres seconded the motion and a unanimous vote to approve was recorded.

4. **RESOLUTION OF THE CITY OF LUFKIN, TEXAS IN SUPPORT OF THE TEXAS COMPTROLLERS AMENDMENTS TO THE TEXAS ADMINISTRATIVE CODE REGARDING THE COLLECTION OF SALES TAX – APPROVED**

Deputy City Manager Green stated that the proposed Resolution would support the proposed amendments to the Texas Administrative Code made by the Texas Comptroller in regard to the collection of Sales Tax from online sales. Deputy City Manager Green furthered that the amendments would aid municipalities in collecting sales tax from online sales. Deputy City Manager Green stated that City Manager Wright would be attending the Public Hearing held in Austin on February 4, 2020 to testify in support of the amendments. Deputy City Manager Green noted that a detailed memo regarding the amendment was included in City Council's packet for review.

Deputy City Manager Green concluded that Staff recommended City Council approve a Resolution in support of the Texas Comptroller's Amendments to the Texas Administrative Code regarding the collection of sales tax.

Councilmember Guessippina Bonner moved to approve the Resolution as presented. Councilmember Robert Shankle seconded the motion and a unanimous vote to approve was recorded.

Mayor Brown commented that State Representative Trent Ashby had called and asked City Manager Keith Wright to testify in support of the amendments. Mayor Brown stated that City

Manager Wright had done such a good job that the Mayor of Palestine, Texas requested that he stay over and testify before the Ways and Means Committee the following day.

5. RESOLUTION OF THE CITY OF LUFKIN, TEXAS RE-APPOINTING MUNICIPAL COURT JUDGE APRIL EARLY FOR AN ADDITIONAL TWO-YEAR TERM – APPROVED

Deputy City Manager Green stated that Article VII, Section 2 of the City of Lufkin Charter provided that the municipal judge be selected by the City Manager and approved by a majority vote of the City Council. Deputy City Manager Green furthered that the Texas Government Code §29.005 stated that “the judge of a municipal court serves for a term of office of two years unless the municipality provides for a longer term pursuant to Article XI, Section 11, of the Texas Constitution.” Deputy City Manager Green stated that the City of Lufkin had not provided for a longer term pursuant to that provision of the Texas Constitution and the Judge of the Municipal Court in Lufkin was subject to reappointment every two years. Deputy City Manager Green furthered that the proposed Resolution simply formally approved City Manager Wright’s re-appointment of Judge Earley.

Deputy City Manager Green concluded that Staff recommended City Council approve the Resolution authorizing the re-appointment of Municipal Court Judge April Earley for a two-year term.

Councilmember Robert Shankle moved to approve the Resolution as submitted. Councilmember Lynn Torres seconded the motion and a unanimous vote to approve was recorded.

6. AWARD OF BID IN THE AMOUNT OF \$896,820.50 TO TERRY BLACK CONSTRUCTION FOR THE U.S. HIGHWAY 59 SOUTH UTILITY RELOCATION PROJECT – APPROVED

Deputy City Manager Green stated that the project was necessary due to the Texas Department of Transportation’s planned expansion for U.S. Highway 59 South around Diboll. Deputy City Manager Green furthered that the expansion would increase the footprint of the highway, which required additional right-of-way. Deputy City Manager Green explained that the construction would impact the existing location of City of Lufkin water lines, requiring them to be relocated. Deputy City Manager Green stated that Staff had received bids for the project on January 29th, with eleven (11) bids being submitted. Deputy City Manager Green furthered that the apparent low bidder on the project was Terry Black Construction with a total bid amount of \$896,820.50. Deputy City Manager Green stated the company had completed projects for the City previously and the bid tabulation had been included for City Council’s review. Deputy City Manager Green furthered that the construction bid for the project was \$1,240,000.

Deputy City Manager Green concluded that Staff recommended City Council award a bid in the amount of \$896,820.50 to Terry Black Construction for the completion of the utility relocation project on U. S. Highway 59 South.

Councilmember Guessippina Bonner moved to approve the award of bid in the amount of \$896,820.50 to Terry Black Construction for the U.S. Highway 59 South Utility Relocation project. Councilmember Sarah Murray seconded the motion and a unanimous vote to approve was recorded.

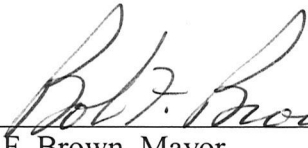
7. APPOINTMENTS TO THE DOWNTOWN ADVISORY BOARD – POSTPONED

Deputy City Manager Green stated that this was for appointments and re-appointments to the Downtown Advisory Board and the applications had been included in City Council’s packet. Deputy City Manager Green furthered that the highlighted members in the packet were either up for re-appointment or were being replaced due to lack of attendance at board meetings. Councilmember Guessippina Bonner had a question concerning the attendance requirements for alternate members of the advisory board. Discussion among Council members ensued concerning this item.

Councilmember Guessippina Bonner moved to postpone the appointments to the Downtown Advisory Board until further information could be obtained. Councilmember Robert Shankle seconded the motion and a unanimous vote to postpone was recorded.

There being no further business, Mayor Bob Brown adjourned the meeting at 5:17 p.m.




Bob F. Brown, Mayor


Kara Andrepont, City Secretary